

03-12-01

A

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

C-C2

Total Pages

117

First Named Inventor or Application Identifier

Elizabeth A. Wang

U.S. PTO

097804625

03/09/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. Fee Transmittal Form

(Submit an original, and a duplicate for fee processing)

2. Specification [49 Pages] 149

(of prior application)

(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. Drawings (35 USC 113) [7 Sheets]

- Informal

4. Oath or Declaration [2 Pages]

a. Signed (copy)

b. Copy from a prior application (37 CFR 1.63(d))

(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]

DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application, See 37 CFR 1.63(d)(2) and 1.33(b).

5. Incorporation By Reference (useable if Box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation of prior application No.: 08/925,779 filed September 9, 1997 copy of prior application as filed enclosed including dec. drawings. Request for Filing and Preliminary Amendment

6. Microfiche Computer Program (Appendix)

7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a. Computer Readable Copy

b. Paper Copy (identical to computer copy) (12pp.)

## ACCOMPANYING APPLICATION PARTS

8. Assignment Papers (cover sheet & documents(s))

9. 37 CFR 3.73(b) Statement Power of Attorney

(when there is an assignee)

10. English Translation Document (if applicable)

11. Information Disclosure Copies of IDS

(from prior application)

Statement (IDS)/PTO-1449 Citations

12. Preliminary Amendment [ 5 Pages]

13. Return Receipt Postcard (MPEP 503)

(Should be specifically itemized)

14. Small Entity Statement filed in prior application,

Statement(s) Status still proper and desired

15. Certified Copy of Priority Document(s)

(if foreign priority is claimed)

16. Other

03/09/01  
1c904 U.S. PTO

097804625 030901

18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or Correspondence address below

NAME

American Home Products Corporation

ADDRESS

Patent & Trademark Office - 2B (Attn: Kay E. Brady)

One Campus Drive

CITY

Parsippany

STATE

NJ

ZIP CODE

07054

COUNTRY

U.S.A.

TELEPHONE

(617) 665-8653

FAX

(617) 876-5851

SUBMITTED BY

Typed or Printed Name

Ellen J. Kapinos

Reg. No.

32,245

Signature

*Ellen J. Kapinos*

Date

March 9, 2001

Deposit Account

07-1060

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the correspondence marked below is being deposited with the U.S. Postal Service "Express Mail PO to Addressee" service under 37 CFR 1.10 on March 9, 2001, Express Mail label no. EL564796775US, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed or printed name

Ellen J. Kapinos

Signature

*Ellen J. Kapinos*

Date

March 9, 2001

"FOOTED" 534850

# FEE TRANSMITTAL

**Complete if Known**

Application Number	TBD
Filing Date	March 9, 2001
First Named Inventor	Elizabeth A. Wang
Group Art Unit	TBD
Examiner Name	TBD
Attorney Docket Number	5160C-C2

TOTAL AMOUNT OF PAYMENT (\$) **3278.00**

**METHOD OF PAYMENT (check one)**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number **07-1060**

Deposit Account Name **Genetics Institute, Inc.**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  Charge the Issue Fee Set in 37 CFR 1.18 at the mailing of the Notice of Allowance, 37 CFR 1.311 (b)

2.  Payment Enclosed:

**FEE CALCULATION (fees effective)**

**1. FILING FEE**

Large Entity Fee Description Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Paid	Utility
101	790	220	395	710.00	Utility filing fee
106	330	206	165		
107	540	207	270		Plant Design filing fee
108	790	208	395		
114	150	214	75		Reissue filing fee
					Provisional filing fee

SUBTOTAL (1) **710.00**

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	400	216	200	Extension for response within second month	
117	950	217	475	Extension for response within third month	
118	1,510	218	755	Extension for response within fourth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,320	241	660	Petition to revive unintentionally abandoned application	
142	1,320	242	660	Utility issue fee (or reissue)	
143	450	243	225	Design issue fee	
144	670	244	335	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))	
149	790	249	395	For each additional invention to be examined (37 CFR 1.129 (b))	
Other fee (specify) _____					
Other fee (specify) _____					

SUBTOTAL (3) **0** (\$)

\* Reduced by Basic Filing Fee Paid

T O S E O S E S T O S O

2. CLAIMS

Fee from

Extra below Fee Paid

Total Claims 50 -20 = 30 X 18 = 540

Independent Claims 29 - 3 = 26 X 78 = 2028

Multiple Dependent Claims \_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description
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103	22	203	11	Claims in excess of 20
102	82	202	41	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
109	82	209	41	Reissue independent claims over original patent
110	22	210	11	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 2568.

0

<b>SUBMITTED BY</b>				Complete (if applicable)	
Typed or Printed Name	Ellen J. Kapinos, Esq.			Reg. Number	32,245
Signature	<i>Ellen J. Kapinos</i>	Date	March 9, 2001	Deposit Account User ID	07-1060

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the correspondence marked below is being deposited with the U.S. Postal Service "Express Mail PO to Addressee" service under 37 CFR 1.10 on March 9, 2001, Express Mail label no. EL564796775US, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed or printed name	Ellen J. Kapinos, Esq.		
Signature	<i>Ellen J. Kapinos</i>	Date	March 9, 2001

"FOEED" 3240360

REQUEST FOR FILING A PATENT APPLICATION  
 UNDER 37 C.F.R. §1.60

GI 5160C-CON  
 Page 1 of 4

DOCKET NUMBER	ANTICIPATED CLASS	SUBCLASS	PRIOR APPLICATION/ EXAMINER	GROUP ART UNIT
5160C-CON			K. Furman	1801

Address to: Commissioner of Patents and Trademarks  
 Box Patent Application  
 Washington, D.C. 20231

Sir:

This is a Request for filing a continuation application under 37 CFR §1.60 and for claiming benefit under 35 USC §120 of pending prior application Serial No. 07/721,847 filed on June 14, 1991 entitled: NOVEL BMP PRODUCTS by the following inventors: Elizabeth A. Wang, John M. Wozney, Vicki A. Rosen

1.  Pursuant to 37 CFR §1.60(b)(2), enclosed is a true copy of the prior application including the oath or declaration and any drawings. I hereby verify that the attached papers are a true copy of prior application Serial No. 07/721,847 as originally filed on June 14, 1991 including the oath or declaration and drawings, and further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

CLAIM TYPE	CLAIMS FILED MINUS BASE	Equals number extra claims	RATE	FEE
Independent	1 - 3	0	x \$80.00=	\$00.00
Total	1 - 20	0	x \$22.00=	\$00.00
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+\$260.00	\$00.00
BASIC FILING FEE			\$770.00	\$770.00

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing number EM539867926US  
 Date of Deposit September 9, 1997  
 I hereby certify that the above-specified paper(s) and/or fee(s) is being deposited with the U.S. Postal Service as "Express Mail" service under 37 CFR § 1.10, in an envelope addressed to Honorable Commissioner of Patents and Trademarks, Box Patent Application, Washington, D.C., 20231, on the date of deposit as indicated above.

*[Signature]*

FOREGO "SEARCHED"

2.  A verification of small entity status is  enclosed  was filed in prior application \_\_\_/\_\_\_ and such status is still proper and desired.
3.  The filing fee has been calculated above.
4.  Please cancel in this application original claims 2- 23 of the prior application before calculating the filing fee.
5.  Amend the specification by inserting before the first line the sentence:

- This application is a continuation of application Serial No. 07/721,847, filed June 14, 1991, allowed, which is a: Continuation in Part of, 07/493,272; Filed, March 14, 1990 (Abandoned); which is a Continuation in Part of, 07/406,217; Filed, September 12, 1989 (Abandoned); which is a Continuation in Part of, 07/378,537; Filed, July 11, 1989; which is a Continuation in Part of, 07/655,579; Filed, March 18, 1991; which is a Divisional of, 07/179,100; Filed, April 8, 1988 (Patent 5,013,649); which is a Continuation in Part of, 07/028,285; Filed March 20, 1987 (Abandoned); which is a Continuation in Part of, 06/943,332; Filed December 17, 1986 (Abandoned); which is a Continuation in Part of, 06/880,776; Filed July 1, 1986 (Abandoned).

6.  Priority is claimed under 35 U.S.C. §120 from the applications listed in paragraph 5.
- Priority of application Serial No. filed on \_\_\_\_\_ [date/country] is claimed under 35 U.S.C. §119.
- The certified copy has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_

7.  The prior application is assigned of record to Genetics Institute, Inc., Cambridge, MA 02140; recorded 6/14/91, reel 5839, frame 0981.

8.  8a.  New formal drawings are enclosed.
- 8b.  Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 8c.  A true copy of the drawings in the prior application is enclosed; see item 1.

9.  A Petition for Extension of Time, fee [and response] have been filed to extend the time in the pending prior application until \_\_\_\_\_ [must be completed and papers filed in the prior case if the period set in the prior application has run out].

10.  A preliminary amendment and compilation of claims pending after amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

FOR "SERIALS" SECTION

TYPE OF CLAIMS	CLAIMS AFTER AMENDMENT MINUS PRIOR PAID CLAIMS	EQUALS PRESENT EXTRA CLAIMS	RATE	FEE
Independent	18 - 3	15	x \$80.00 =	\$1200.00
Total	62 - 20	42	x \$22.00 =	\$924.00
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+\$260.00	0.00
<input type="checkbox"/> Information Disclosure fee pursuant to §1.97 & §1.98			+\$230.00	00.00
<input type="checkbox"/> Petition for Extension of time fee pursuant to §1.17 extension within <input type="checkbox"/> months				
<b>TOTAL FEE</b>				<b>\$2124.00</b>

- 11.  The filing fee and preliminary amendment fee have been calculated above; the Commissioner is hereby authorized to charge a **TOTAL FEE OF \$2894.00** under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 07-1060.
- No additional fee is believed due; however, if any fee should be due, authorization is hereby given to charge it to Deposit Account 07-1060. In the event the filing of this paper necessitated the filing of a Petition for Extension of Time in the parent application, to maintain co-pendency with this application by this paper, and not otherwise provided for, such Petition is herewith made in said parent application and authorization is herewith provide to charge Deposit Account No. 07-1060.
- 12.  A statement pursuant to 37 CFR §1.821(e) is enclosed [statement which refers to previously filed Sequence Listing].
- 13.  The Power of Attorney in the prior application is to: Bruce M. Eisen, Reg. No. 22,847, Luann Cserr, Reg. No. 31,822; and Ellen J. Kapinos, Reg. No. 32,245, Thomas DesRosier, Reg. No. 30,168, and Patricia McDaniels, Reg. No. 33, 194 and M.C. Meinert, Reg. No. 31,544; Steven R. Lazar, Reg. No. 32,618; Scott A. Brown, Reg. No. 32,724; Suzanne Sprunger, Reg. No. 41,323.
- a. The Power of Attorney appears in the original papers in the prior application.
- b. A copy of associate power in the prior application is enclosed.
- c. Address all future communications to:

**M.C. MEINERT**  
**Legal Affairs Department**  
**Genetics Institute, Inc.**  
**87 CambridgePark Drive**  
**Cambridge, MA 02140**

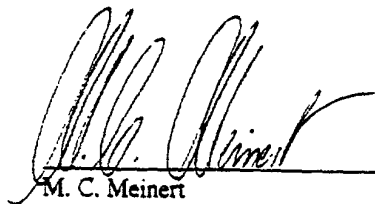
- Copies of the Information Disclosure Statements, and PTO-1449 forms filed in the prior applications are enclosed dated February 15, 1993, October 7, 1991, March 2, 1993, December 12, 1990, and March 2, 1993.
- 15.  Express Mail Certificate Label [#] EM539867926US.
- 16.  Also enclosed is a return receipt postcard.

FOURTH CLASS

SUBMITTED IN TRIPLICATE

Respectfully submitted,

Date: September 9, 1997



**M. C. Meinert**  
 Registration No. 31,544  
 Attorney for Applicants  
 Legal Affairs  
 Genetics Institute, Inc.  
 87 CambridgePark Drive  
 Cambridge, Massachusetts 02140-2387  
 617.498.8574

- Attorney or agent of record
- Filed under §1.34(a)